

REMARKS

Claims 1, 3-10 and 14-20 are pending in the present application.

Claims 1, 3, 4 and 14 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 5884425 (*Baldwin*) in view of US Patent No. 5560657 (*Morgan*). The Examiner acknowledges "*Baldwin* does not disclose the tamper evident label material is a vinyl with a tensile and tear resistance such that the tamper label material one of tears and breaks upon an attempted removal from a substrate." *Morgan* does not make up the deficiencies in *Baldwin*. *Morgan* teaches that use of "strong papers impregnated with various materials for tear-resistance." See, *Morgan* at Col. 3, lines 49-51. Thus, *Morgan* teaches impregnated paper which resists tearing. Because of the tear resistance the paper in *Morgan* has to be cut. See, *Morgan* at page 5, lines 47-49. *Morgan* teaches away from a material that tears and breaks upon attempted removal. Accordingly, *Baldwin* alone or in combination with *Morgan* does not teach or suggest a tamper evident RFID tag with all of the limitations of claim 1. Thus, claim 1 is patentable as are claims 3, 4-6 and 14-16 that depend directly or indirectly from claim 1.

Claims 5, 6, 15 and 16 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of *Morgan* and in further view of US Patent 5981166 (*Mandecki*). As discussed above, *Morgan* does not teach using a vinyl label material. Further, one skilled in the art would not combine *Mandecki* with *Baldwin* and/or *Morgan*. There must be some teaching, suggestion or motivation in the prior art to combine references. Here, there is no teaching or suggestion to combine *Mandecki* with *Baldwin* and/or *Morgan*. In fact, *Mandecki* teaches away from the combination of references. *Mandecki* teaches a method for identifying a pure chemical compound or mixture for use in scientific studies. The sample must not become contaminated. Contrary, the Examiner's assertion, *Mandecki* does not teach or suggest using holograms in conjunction with transponders. Rather, *Mandecki* discloses using holograms as an alternative to transponders. See, *Mandecki* at col. 4, lines 44-49. Thus, there is no teaching or suggestion to combine *Mandecki* with *Baldwin* and/or *Conwell*. Accordingly, claims 5, 6, 15 and 16 are patentable.

Claims 7, 8, 17 and 18 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of US Patent No. 5477219 (*Zarembo*). *Baldwin* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 7. *Zarembo* does not make up the deficiencies of *Baldwin*. *Zarembo* does not teach or suggest a tamper evident

RFID tag with all the limitations of claim 7. Specifically, in *Zarembo* the layer of reflective microspheres is an entire layer where some microspheres have a different degree of reflectivity to provide a reflective legend. *Zarembo* does not teach or suggest a pattern of microspheres where separation of the tag from the substrate results in an incomplete separation of the adhesive in the form of the pattern allowing said pattern to be visible. Because the micro spheres are over an entire layer in *Zarembo* any separation would not result in the pattern becoming visible, but rather would result in the destruction of the legend. Accordingly, *Zarembo* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 7. Thus, claims 7, 8 and 17-18 are patentable.

Claims 9, 10, 19 and 20 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view *Zarembo* and *Mandecki*. Claims 9 and 10 depend indirectly from claim 7. As discussed above, *Baldwin* alone or in combination with *Zarembo* does not teach or suggest a label with all the limitations of claim 7. *Mandecki* does not make up the deficiencies. *Mandecki* does not make up the limitations in *Baldwin* and/or *Zarembo*. As discussed above, *Mandecki* does not teach or suggest a tag in combination with a hologram and/or microprinting. Rather, *Mandecki* teaches using microprinting and/or a hologram in place of a transponder. Further, as discussed above there is no teaching or suggestion to combine references and one skilled would not combine the references. Thus, claims 9, 10, 19 and 20 are patentable.



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CONCLUSION

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

REQUEST FOR EXTENSION OF THE TERM

Applicant respectfully requests an extension of the normal term which expired on September 16, 2004, for three months, to December 16, 2004.

Submitted herewith is a check for \$1020 to cover the cost of the extension.

Any deficiency or overpayment should be charged or credited to Deposit Account Number 04-2219, referencing our Docket Number 13019.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450, on December 15, 2004.

Katherine Bruce